

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH ROBB,

COMPLAINT

PLAINTIFF,

CASE NO.:

-AGAINST-

JOSEPH BREWSTER, CITY OF POUGHKEEPSIE

POLICE DEPARTMENT AND CITY OF POUGHKEEPSIE,

DEFENDANTS.  
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PLAINTIFF, THROUGH ATTORNEY, PAMELA GABIGER,

COMPLAINING OF DEFENDANTS, STATES:

1. PLAINTIFF IS A RESIDENT OF NEW HAMPTON, COUNTY OF  
ORANGE, STATE OF NEW YORK.
2. DEFENDANT CITY OF POUGHKEEPSIE POLICE DEPARTMENT IS A  
MUNICIPAL CORPORATION DULY ORGANIZED AND EXISTING  
UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF NEW  
YORK.

3. DEFENDANT CITY OF POUGHKEEPSIE IS A MUNICIPAL CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF NEW YORK.
4. ON AND BEFORE SEPTEMBER 20, 2015 AND SEPTEMBER 21, 2015 DEFENDANT JOSEPH BREWSTER WAS EMPLOYED AS A POLICE OFFICER BY THE CITY OF POUGHKEEPSIE POLICE DEPARTMENT AND THE CITY OF POUGHKEEPSIE.
5. ON OR ABOUT SEPTEMBER 20, 2015 AND SEPTEMBER 21, 2015, PLAINTIFF JOSEPH ROBB WAS LAWFULLY NEAR MAIN STREET NEAR THE CHANCE, CASABLANCA, THE SOCIAL SECURITY BUILDING AT 332 MAIN STREET, POUGHKEEPSIE, THE DOLLARS SCOOP AND DOWNTOWN DELI IN THE CITY OF POUGHKEEPSIE, COUNTY OF DUTCHESS, STATE OF NEW YORK.
6. ON OR ABOUT SEPTEMBER 20, 2015 AND SEPTEMBER 21, 2015 WITHOUT PROVOCATION ON THE PART OF PLAINTIFF, JOSEPH ROBB, DEFENDANT JOSEPH BREWSTER USED EXCESSIVE FORCE AGAINST PLAINTIFF, ASSAULTED PLAINTIFF, AND BEAT HIM OVER

THE HEAD WITH A BILLY CLUB AT LEAST THREE OR FOUR TIMES OR MORE, SPLITTING HIS HEAD OPEN AND CAUSING SERIOUS AND PERMANENT INJURIES TO HIM AND OTHERWISE INJURED PLAINTIFF.

7. PURSUANT TO 42 USC SECTION 1983 DEFENDANTS WHO, UNDER COLOR OF ANY STATUTE, ORDINANCE, REGULATION, CUSTOM, OR USAGE, OF ANY STATE OR TERRITORY OR THE DISTRICT OF COLUMBIA, SUBJECTED, AND CAUSED TO BE SUBJECTED, JOSEPH ROBB, A CITIZEN OF THE UNITED STATES TO THE DEPRIVATION OF RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED BY THE CONSTITUTION AND LAWS, AND ARE THEREFORE LIABLE TO PLAINTIFF, JOSEPH ROBB INJURED IN AN ACTION AT LAW, SUIT IN EQUITY, OR OTHER PROPER PROCEEDING FOR REDRESS.

8. DEFENDANTS CITY OF POUGHKEEPSIE POLICE DEPARTMENT AND CITY OF POUGHKEEPSIE WERE FURTHER NEGLIGENT IN HIRING DEFENDANT JOSEPH BREWSTER WITHOUT ADEQUATE SCREENING AND

DEFENDANTS CONSCIOUSLY DISREGARDED A HIGH RISK THAT JOSEPH BREWSTER WOULD USE EXCESSIVE FORCE IN VIOLATION OF PLAINTIFF JOSEPH ROBB'S FEDERALLY PROTECTED RIGHTS.

9. THE DEFENDANTS, THEIR DIRECTORS, OFFICERS, AGENTS, SERVANTS AND EMPLOYEES SUBJECTED PLAINTIFF TO CONDUCT THAT OCCURRED UNDER COLOR OF STATE LAW AND IT WAS THE REGULAR MUNICIPAL POLICY, CUSTOM AND PRACTICE OF THE DEFENDANTS JOSEPH BREWSTER, CITY OF POUGHKEEPSIE POLICE DEPARTMENT AND CITY OF POUGHKEEPSIE TO BEAT PEOPLE AS THEY DID PLAINTIFF JOSEPH ROBB ON SEPTEMBER 20, 2015 AND SEPTEMBER 21, 2015, CAUSING SERIOUS AND PERMANENT INJURIES AND SEQUELAE TO HIM WITHOUT JUST CAUSE OR PROVOCATION ON MAIN STREET, NEAR THE CHANCE, CASA BLANCA, SOCIAL SECURITY BUILDING AT 332 MAIN STREET, POUGHKEEPSIE, THE DOLLARS SCOOP AND DOWNTOWN DELI IN THE CITY OF POUGHKEEPSIE, COUNTY OF DUTCHESS, STATE OF NEW YORK.

10. THROUGH THEIR DELIBERATE CONDUCT, DEFENDANTS JOSEPH BREWSTER, CITY OF POUGHKEEPSIE POLICE DEPARTMENT AND CITY OF POUGHKEEPSIE WERE THE MOVING FORCE BEHIND THE INJURIES TO PLAINTIFF, THEIR FORCE WAS EXCESSIVE AND UNREASONABLE IN THAT PLAINTIFF JOSEPH ROBB WAS IN THE PROCESS OF THROWING LEROY JOHNSON'S JACKET INTO THE DUMPSTER WHEN DEFENDANT JOSEPH BREWSTER SAID "DON'T" BUT PLAINTIFF JOSEPH ROBB WAS ALREADY IN MOTION. THE DRUG DEALER, LEROY JOHNSON'S FRIEND SAID "DON'T DO THAT HE'S GOING TO GET YOU. YOU PISSED HIM OFF".

11. THE DEFENDANT JOSEPH BREWSTER SAID TO PLAINTIFF, JOSEPH ROBB, "GET THE JACKET OUT OF THE DUMPSTER" JUST SO THE DEFENDANT JOSEPH BREWSTER COULD FLING PLAINTIFF, JOSEPH ROBB AROUND. DEFENDANT JOSEPH BREWSTER WENT FOR HIS TASER. PLAINTIFF JOSEPH ROBB PUT HIS HANDS IN THE AIR AND SAID, "PLEASE DON'T". DEFENDANT JOSEPH BREWSTER TASERED PLAINTIFF JOSEPH ROBB AND THEN DEFENDANT JOSEPH BREWSTER WITHOUT ANY PROVOCATION OR THREAT BY PLAINTIFF JOSEPH ROBB, HIT PLAINTIFF, JOSEPH ROBB OVER THE HEAD WITH A BILLY CLUB 3-4

TIMES AND MORE AND SPLIT PLAINTIFF JOSEPH ROBB'S HEAD OPEN IN 2 DIFFERENT SPOTS. DEFENDANT JOSEPH BREWSTER THREW PLAINTIFF JOSEPH ROBB TO THE GROUND, HANDCUFFED HIM AND THROUGH HIM TO THE GROUND. DEFENDANT JOSEPH BREWSTER THEN GOT AN AMBULANCE BECAUSE PLAINTIFF JOSEPH ROBB WAS BLEEDING. THEN DEFENDANT JOSEPH BREWSTER PUT PLAINTIFF JOSEPH ROBB ON A STRETCHER AND WITH AN AMBULANCE BROUGHT PLAINTIFF JOSEPH ROBB TO THE HOSPITAL. PLAINTIFF JOSEPH ROBB WAS HANDCUFFED TO THE BED, HIS HEAD WAS STAPLED, HE LOST CONSCIOUSNESS AND REGAINED CONSCIOUSNESS IN POUGHKEEPSIE CITY JAIL.

12. THE MUNICIPAL ACTION OF DEFENDANTS WAS TAKEN WITH THE REQUISITE DEGREE OF CULPABILITY AND THERE WAS A DIRECT CAUSAL LINK BETWEEN THE MUNICIPAL ACTION OF DEFENDANTS AND DEPRIVATION OF PLAINTIFF'S FEDERAL RIGHTS.

13. THE MUNICIPAL ACTION OF DEFENDANTS THEMSELVES VIOLATED FEDERAL LAW AND DIRECTED AND AUTHORIZED THE DEPRIVATION OF FEDERAL RIGHTS.

14. THE MUNICIPAL ACTION TAKEN BY DEFENDANTS WAS NOT SIMPLY  
NEGLIGENT, BUT WAS TAKEN WITH DELIBERATE INDIFFERENCE AS TO  
ITS KNOWN AND OBVIOUS CONSEQUENCES.
15. DEFENDANTS VIOLATED PLAINTIFFS FOURTH AMENDMENT RIGHT  
AGAINST UNREASONABLE SEIZURE.
16. AS A DIRECT RESULT OF THE NEGLIGENCE, INTENTIONAL AND  
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS, VIOLATION OF  
PLAINTIFF'S FOURTH AMENDMENT RIGHTS AGAINST  
UNREASONABLE SEIZURE, AND VIOLATION OF USC SECTION 1983,  
PLAINTIFF SUFFERED SERIOUS AND PERMANENT PERSONAL  
INJURIES, LOST EARNINGS, AND INCURRED EXPENSES FOR  
MEDICAL TREATMENT.
17. THE INJURIES SUSTAINED BY PLAINTIFF WERE CAUSED SOLELY AS  
A RESULT OF THE NEGLIGENCE, NEGLIGENCE AND INTENTIONAL  
INFLICTION OF EMOTIONAL DISTRESS, VIOLATION OF PLAINTIFF'S  
FOURTH AMENDMENT RIGHT AGAINST UNREASONABLE SEIZURE

AND VIOLATION OF SECTION 1983 WITH NO NEGLIGENCE OF PLAINTIFF CONTRIBUTING THERETO.

18. BY REASON OF THE FOREGOING PLAINTIFF HAS BEEN DAMAGED IN THE SUM OF TWENTY MILLION AND NO/100 (\$20,000,000.00) DOLLARS.

19. WHEREFORE, PLAINTIFF DEMANDS JUDGMENT FOR THE DAMAGES RESULTING FROM THE DEFENDANTS' CIVIL RIGHTS VIOLATIONS AGAINST ALL DEFENDANTS JOINTLY AND SEVERALLY, FOR ACTUAL, GENERAL, SPECIAL, AND COMPENSATORY DAMAGES IN THE AMOUNT OF TWENTY MILLION AND NO/100 (\$20,000,000.00) DOLLARS AND FURTHER DEMANDS JUDGMENT AGAINST EACH OF SAID DEFENDANTS, JOINTLY AND SEVERALLY, FOR PUNITIVE DAMAGES IN THE AMOUNT OF FIVE MILLION AND NO/100 (\$5,000,000.00) DOLLARS PLUS THE COSTS OF THIS ACTION, INCLUDING ATTORNEY'S FEES AND SUCH OTHER RELIEF DEEMED TO BE JUST AND EQUITABLE, AND PROPER.



DATED: DECEMBER 13, 2020

*PAMELA GABIGER*

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PAMELA GABIGER

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